

LILLICK MCHOSE & CHARLES  
ANTHONY LIEBIG  
611 West Sixth Street, 28th Floor  
Los Angeles, California 90017  
(213) 620-9000

Attorneys for Defendant  
RKO GENERAL, INC., a corporation

IN THE DISTRICT COURT OF THE UNITED STATES  
CENTRAL DISTRICT OF CALIFORNIA

UNIVERSAL CITY STUDIOS, INC., )  
a corporation, )  
Plaintiff, )  
vs. )  
RKO GENERAL, INC., a corpora- )  
tion, DINO DeLAURENTIIS )  
CORPORATION, a corporation, )  
and RICHARD COOPER, )  
Defendants. )

NO. CV 75-3526 R

ANSWER OF DEFENDANT RKO  
GENERAL, INC.

Defendant RKO GENERAL, INC., a corporation, answers as  
follows:

1. Defendant admits the allegations of Paragraph 1.
2. Defendant admits the allegations of Paragraph 2.
3. Answering Paragraph 3, defendant denies its prin-  
cipal place of business is in Los Angeles County, California and  
admits the remaining allegations.
4. Defendant admits the allegation of Paragraph 4.
5. Answering Paragraph 5, defendant denies that  
Marian C. Cooper was a "writer" of the novel entitled "King  
Kong"; except as herein expressly admitted, this defendant  
alleges it has no information or belief sufficient to enable it  
to answer the remaining allegations contained therein and, basing  
its denial on that ground, denies generally and specifically,

1 each and every, all and singular, said remaining allegations.

2 6. Defendant admits the allegations of Paragraph 6.

3 7. Answering Paragraph 7, defendant denies that there  
4 is such a thing as "the King Kong story" which is separate and  
5 apart from the copyrighted motion picture photoplay entitled KING  
6 KONG, and alleges that it is the proprietor of all copyright and  
7 other rights in and arising from said photoplay and each component  
8 part thereof, which rights are valid and subsisting. Save and  
9 except as hereinabove expressly denied and alleged, this defendant  
10 denies generally and specifically, each and every, all and singular,  
11 said remaining allegations.

12 8. Answering Paragraph 8, defendant admits that Edgar  
13 Wallace died February 10, 1932. Save and except as hereinabove  
14 expressly denied and alleged, this defendant denies generally and  
15 specifically, each and every, all and singular, said remaining  
16 allegations.

17 9. Answering Paragraph 9, defendant admits that Pat-  
18 ricia Marion Caldecott Frere, a daughter of Edgar Wallace, filed  
19 said application for, and received, said renewal copyright. Save  
20 and except as hereinabove expressly denied and alleged, this defen-  
21 dant denies generally and specifically, each and every, all and  
22 singular, said remaining allegations.

23 10. Answering Paragraph 10, defendant alleges it has  
24 no information or belief sufficient to enable it to answer the  
25 allegations contained therein and, basing its denial on that  
26 ground, denies generally and specifically, each and every, all  
27 and singular, said allegations.

28 11. Answering Paragraph 11, defendant alleges it has  
29 no information or belief sufficient to enable it to answer the  
30 allegations contained therein and, basing its denial on that  
31 ground, denies generally and specifically, each and every, all  
32 and singular, said allegations.

1           12. Answering Paragraph 12, defendant denies the  
2 alleged distinction between "old material" and "new material",  
3 and the alleged premises thereof, and alleges that it is the  
4 copyright proprietor of the motion picture photoplay KING KONG  
5 and other rights in and arising therefrom, and as such is entitled  
6 to all rights conferred upon a copyright proprietor of a motion  
7 picture photoplay by the Copyright Law of the United States, 17  
8 U.S.C. §1 et seq., undiminished by the fact that copyrights in  
9 works derived therefrom may or may not have been renewed. Defen-  
10 dant further admits that it has entered into an agreement with  
11 DeLaurentiis authorizing DeLaurentiis to produce and distribute a  
12 motion picture which will be a new version or remake of said  
13 motion picture photoplay entitled KING KONG. Save and except as  
14 herein expressly denied or alleged, defendant alleges it has no  
15 information or belief sufficient to enable it to answer the  
16 remaining allegations contained therein, and, basing its denial  
17 on that ground, denies generally and specifically, each and  
18 every, all and singular, said remaining allegations.

19           13. Answering Paragraph 13, defendant admits that Uni-  
20 versal has announced, or made known publicly, plans to make motion  
21 picture based upon KING KONG. Save and except as expressly  
22 admitted, defendant alleges it has no information or belief  
23 sufficient to enable it to answer the allegations contained  
24 therein and, basing its denial on that ground, denies generally  
25 and specifically, each and every, all and singular, said allega-  
26 tions.

27           14. Answering Paragraph 14, defendant admits that  
28 plaintiff has created a controversy by contending that it is  
29 entitled to produce and distribute a motion picture photoplay  
30 which is, or will be, a copy of, and will infringe upon this de-  
31 fendant's copyright and other related rights, all with respect to  
32 its copyrighted motion picture photoplay entitled KING KONG, and

1 further, admits that plaintiff is making the contentions set  
2 forth in Paragraphs 14.1.1, 14.1.2 and 14.1.3 of the Complaint,  
3 and further, admits that defendant urges upon the Court that  
4 plaintiff is not entitled to infringe upon or compete unfairly  
5 with its copyright or related rights in and to the motion picture  
6 photoplay entitled KING KONG. Save and except as hereinabove  
7 expressly denied and alleged, this defendant denies generally and  
8 specifically, each and every, all and singular, said remaining  
9 allegations.

10 FIRST DEFENSE

11 1. Plaintiffs' complaint fails to state a claim upon  
12 which relief can be granted.

13 SECOND DEFENSE

14 1. The within action is not a proper action for  
15 declaratory relief in that, regardless of which of the parties'  
16 contentions are valid, it will be impossible to finally adjudicate  
17 plaintiff's alleged right to produce, distribute and exhibit  
18 any motion picture containing or purporting to contain all or any  
19 part of the story or character of KING KONG until such motion  
20 picture has been completed and is in such form as may be viewed  
21 by the Court and compared by the Court to defendant's copyrighted  
22 motion picture photoplay entitled KING KONG.

23 THIRD DEFENSE

24 1. Plaintiff is a stranger to the copyright in any  
25 of the various copyrighted KING KONG works, and in particular  
26 said copyrighted motion picture photoplay, and therefore it lacks  
27 standing to bring the within action.

28 WHEREFORE, defendant RKO GENERAL, INC. prays for judgment  
29 as follows:

- 30 1. For judgment that the Complaint be dismissed;  
31 2. For its cost of suit incurred herein together  
32 with its reasonable attorneys' fees as provided by law; and

1 3. For such other and further relief as to the  
2 Court may seem proper.

3 November 19, 1975

4 LILLYCK MCCHOSE & CHARLES  
5 ANTHONY LIEBIG

6  
7 By: Anthony Liebig  
8 Anthony Liebig  
9 Attorneys for Defendant  
10

11 I HEREBY CERTIFY AND CORRECT ON 31 AUG 1982  
12 That the foregoing document is a true and correct  
13 copy of the original on file in my office, and in my  
14 legal custody.

15 CLERK U.S. DISTRICT COURT  
16 CENTRAL DISTRICT OF CALIFORNIA  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32



A002052